

1 JUSTIN T. BERGER (SBN 250346)
jberger@cpmlegal.com
2 BETHANY M. HILL (SBN 326358)
bhill@cpmlegal.com
3 **COTCHETT, PITRE & McCARTHY, LLP**
San Francisco Airport Office Center
4 840 Malcolm Road
Burlingame, CA 94010
5 Telephone: (650) 697-6000
Facsimile: (650) 697-0577

Attorneys for Relator STF, LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA *ex rel.* STF, LLC, an organization; STATE OF CALIFORNIA; *ex rel.* STF, LLC, an organization,

13 | Plaintiffs,

14 | P a g e

15 VIBRANT AMERICA, LLC, a Delaware limited liability company,

Defendants.

Case No. 3:16-cv-02487-JCS

**JOINT UPDATED CASE MANAGEMENT
CONFERENCE STATEMENT AND
REQUEST FOR CONTINUANCE**

Date: February 11, 2022

Time: 2:00 p.m.

Judge: Hon. Joseph C. Spero

1 **JOINT UPDATED CASE MANAGEMENT CONFERENCE STATEMENT:**
2 **REQUEST FOR CONTINUANCE**

3 Relator STF, LLC (“Relator”), and Vibrant America, LLC (“Vibrant” or “Defendant”),
4 submit this Joint Updated Case Management Conference Statement and Request for
5 Continuance.

6 Since the Parties’ last update to the Court, the Parties have received final approval of the
7 settlement from the California Department of Insurance (CDI), and the settlement as to the
8 California Insurance Fraud Preventions Act claims has been fully executed as of January 31,
9 2022. The settlement as to the federal False Claims Act had been fully executed previously.¹

10 Pursuant to the settlement agreements, Defendant has stipulated to entry of a Consent
11 Judgment. That stipulation and proposed Consent Judgment are being filed concurrently
12 herewith.

13 Pursuant to the settlement agreements, dismissal of the entire action will be requested
14 upon Defendant’s initial settlement payments, which are due no later than May 2, 2022.

15 Accordingly, the Parties respectfully request that the February 11, 2022 Case
16 Management Conference be continued for another 90 days, by which time the Parties anticipate
17 filing dismissal of the entire action.

18 Dated: February 3, 2022

COTCHETT, PITRE & McCARTHY LLP

19 By: /s/ Justin T. Berger
20 JUSTIN T. BERGER
BETHANY M. HILL

21 *Attorneys for Relator*

22 Dated: February 3, 2022

FOLEY & LARDNER LLP

23 By: /s/ Lori A. Rubin
24 LORI A. RUBIN

25 SSL LAW FIRM LLP
Thomas S. Brown

26 *Attorneys for Defendant Vibrant America, Inc.*

27 ¹ The California Attorney General has already filed a Notice of Consent to Dismissal (Dkt. No.
28 94).